

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

BAC LOCAL UNION 15 PENSION)	
FUND, et al.,)	
)	
Plaintiffs,)	
)	Case No. No. 06-6024-CV-W-NKL
v.)	
)	
GOLD STAR MASONRY)	
CONSTRUCTION, INC., et al.,)	
)	
Defendant.)	

ORDER

Pending before the Court is Plaintiff's Motion for Default Judgment [Doc. # 6] as to Defendant Maxim Construction Service, Inc. ("Maxim").¹ On March 13, 2006, Plaintiff Employee Benefit Funds filed a Complaint under Section 502 and Section 515 of the Employee Retirement Income Security Act ("ERISA"), 29 U.S.C. 1132 and 29 U.S.C. 1145, for unpaid contributions. Plaintiffs served their Complaint and Summons on Maxim through its registered agent, Mark Veraguth, on March 22, 2006. Under Fed. R. Civ. P. 12, Maxim's responsive pleading was due on or before April 11, 2006. When no answer was filed, Plaintiffs filed the present motion for entry of default on April 21, 2006. On May 25, 2005, the Court issued an Order to Show Cause [Doc. # 16] within fifteen

¹The Motion for Entry of Default was originally filed as to all Defendants, but Gold Star Masonry, Inc., and James L. Cave, Jr., have since answered the Complaint.

(15) days why Plaintiffs' Motion for Entry of Default should not be granted. A copy of the Order to Show Cause was served on Maxim's registered agent on June 1, 2006. Maxim has failed to respond to the Show Cause order and has still not filed a responsive pleading to Plaintiffs' Complaint. Thus, the Court finds Defendant Maxim in Default under Fed. R. Civ. P. 55. Accordingly, it is hereby

ORDERED that Plaintiffs' Motion for Entry of Default [Doc. # 6] is GRANTED in part and DENIED in part. The Motion is GRANTED as to Defendant Maxim Construction Service, Inc. It is otherwise DENIED. Damages will be assessed against Maxim at a hearing to be set at a later date.

s/ Nanette K. Laughrey
NANETTE K. LAUGHREY
United States District Judge

Dated: June 26, 2006
Jefferson City, Missouri